

PPE



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,854	11/23/1999	BARBARA L. FOX	1850	5528

7590 10/03/2003

MICHALIK & WYLIE PLLC  
14645 BEL-RED ROAD  
SUITE 103  
BELLEVUE, WA 98007

EXAMINER
----------

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
----------	--------------

2132

DATE MAILED: 10/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/448,854

Applicant(s)

FOX ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

1. **Claims 1-68** have been examined.

***Information Disclosure Statement PTO-1449***

2. The pages of the all references submitted by applicant have been considered.

**Drawings**

3. The drawings filed on 11/23/1999 are approved by the Draftsperson under 37 CFR 1.84 or 1.152. See a copy of PTO 948.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "70" in fig. 2 has been used to designate both "private key" and inside the CA 66 (see fig.2, items "70" and "70"). Correction is required.

***Claim Objections***

5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with

Art Unit: 2132

the number next following the highest numbered claims previously presented (whether entered or not).

The claim 48 and the following claim after claim 48 is numbered as claim 48 by mistake. Therefore the second claim 48 and all consecutive misnumbered claims have been re-numbered as claims 49-68. All dependency of the dependent claims also has changed in order to have a correct dependency according to new re-numbered claims.

**Examiner requests a verification of the above statement in the response to the office action by Applicant.**

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. **Claims 1-7, 14-45 and 56-68** are rejected under 35 U.S.C. 102(e) as being anticipated by Perlman et al (6,230,266 B1).

**As per claim 1** Perlman et al (6,230,266 B1) teach a computer-readable medium having computer executable instructions, comprising: receiving a first transaction request in association with a first certificate issued by a certificate authority (see col.5, line 67; col.6, lines 1-4); communicating with a status authority to query for current status information on the first certificate (see col.6, lines 1-4 where OLRS is the status authority); and receiving a second certificate from the status authority indicating the current status of the first certificate (see col.6, lines 8-13 where the OLRS as an status authority on behalf of CA provide a certificate in response to the query by principal with respect to the first certificate to give the status of certificate and if it is revoked). Also see col.5-11 for detailed description.

**As per claims 2, 24 and 43** Perlman et al (6,230,266 B1) teach the method and the computer-readable medium of claims 1, 23 and 42 wherein the certificate authority comprises the status authority (see col.12, lines 3-12 where all nodes could become one node doing different processes such as issuing certificate and verifying the status of a certificate ).

**As per claims 3 and 25** Perlman et al (6,230,266 B1) teach the method and the computer-readable medium of claims 1 and 23, wherein the status authority comprises an agent authorized to act on behalf of the certificate authority (see col.6, lines 8-14).

**As per claim 4** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 1, wherein the transaction request is received from an end entity, and having further computer executable instructions comprising, transmitting information including the second certificate to the end entity (see col.6, lines 8-10).

**As per claim 5** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 4, wherein the information including the second certificate is transmitted to the end entity along with a response to the transaction request (see col.6, lines 8-14 where the response is the information on the certificate).

**As per claim 6** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 4, wherein the information including the second certificate is transmitted to the end entity along with at least one digital signature (see col.6, lines 4-14 where the OLRS is capable of also signing the result of the inquiry).

**As per claim 7** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 1 having further computer executable instructions comprising, transmitting the first

Art Unit: 2132

certificate and the second certificate to a remote party along with a second transaction request (see fig.3; col.6; col.7, lines 1-46 where more than one status agents and CA are present and where as described in col.6, lines 1-14 all capable of issuing signed certificate and transmitting it to each other).

**As per claim 14** Perlman et al (6,230,266 B1) teach a computer-readable medium having computer executable instructions, comprising: receiving a query from a relying party for current status information on a first certificate; and issuing a data structure including a second certificate indicating the current status of the first certificate (see col.5, line 67; col.6, lines 1-27). Also see col.5-11 for detailed description.

**As per claim 15** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, having further computer executable instructions comprising transmitting the data structure to the relying party (see col.6, lines 1-14).

**As per claim 16** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure comprises an extension designating the second certificate as being an indication of the current status of the first certificate (see col.6, lines 1-14).

Art Unit: 2132

**As per claims 17, 34** Perlman et al (6,230,266 B1) teach the computer-readable medium of claims 14 and 29, wherein the data structure further comprises policy information (see col. 9, lines 14-24; col.10, lines 14-63).

**As per claims 18, 33** Perlman et al (6,230,266 B1) teach the computer-readable medium of claims 17 and 29, wherein the data structure further includes information regarding evidence submitted to satisfy a policy of the relying party (see col.9, lines 41-45).

**As per claim 19** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure comprises policy-related information that qualifies the second certificate (see col.6, lines 1-14; col.9; col.10, lines 1-67).

**As per claim 20** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure further comprises success or failure information regarding the second certificate (see col.7, lines 47-59) .

**As per claim 21** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 14, wherein the data structure comprises information regarding a validity period of the second certificate (see col.7, lines 60-65).



**As per claim 22** Perlman et al (6,230,266 B1) teach the computer-readable medium of claim 21, wherein the first certificate has a validity period associated therewith (see col.7, lines 60-65), and wherein the information regarding the validity period of the second certificate specifies a validity period for the second certificate that is shorter than the validity period for the first certificate (see col.9, lines 25-40).

**As per claim 23** Perlman et al (6,230,266 B1) teach a method for performing electronic commerce, comprising, receiving, at a certificate authority, a first request for a certificate; verifying whether the certificate should be issued, and if so, issuing the certificate; receiving a second request at a status authority for status information about the certificate; and issuing a reissue certificate including the status information (see col.6, lines 1-50; col.10, lines 57-63).

**As per claim 26** Perlman et al (6,230,266 B1) teach the method of claim 23 wherein the first request is provided by an end entity (see fig.2; col.6, lines 1-14).

**As per claim 27** Perlman et al (6,230,266 B1) teach the method of claim 23 wherein the second request is provided by a relying party (see col.6, lines 1-50).

**As per claim 28** Perlman et al (6,230,266 B1) teach the method of claim 23 wherein the first request is provided by an end entity that provides the certificate to a relying party, and wherein the second request is provided by the relying party see col.6-12).

**As per claim 29** Perlman et al (6,230,266 B1) teach a method for performing electronic commerce, comprising: receiving a certificate at an end entity; providing the certificate to a relying party; and receiving a receipt at the end entity from the relying party, the receipt including status information about the certificate (see col.5, line 67; col.6, lines 1-50).

**As per claim 30** Perlman et al (6,230,266 B1) teach the method of claim 29 further comprising, requesting the certificate from a certificate authority (see col.6, lines 1-50).

**As per claim 31** Perlman et al (6,230,266 B1) teach the method of claim 29 wherein the status information is provided by a status authority as applied to claim 1 above.

**As per claim 32** Perlman et al (6,230,266 B1) teach the method of claim 29 further comprising, requesting a certificate from a certificate authority, and wherein the status information is provided by the certificate authority as applied to claim 1 above and col.12, lines 3-14).

**As per claims 35-45 and 56-68** Perlman et al (6,230,266 B1) teach a method for performing electronic commerce, comprising, receiving a certificate with a request to perform a transaction; communicating with a status authority to request status information about the certificate; receiving a reissue certificate including the status

Art Unit: 2132

information in response to the request; and deciding whether to perform the transaction based on the status information as applied to claims 1-34 above; also see col.6-11; col.12, lines 1-14).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 8-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al (6,230,266 B1).

**As per claim 8-13** Perlman et al (6,230,266 B1) teach all limitation of the claim as applied to claim 1 above but do not disclose explicitly a third certificate comprising a record of a response to a status request of the first certificate; and a fourth certificate from the remote party indicating the current status of at least one of the first, second, and third certificates and transmission between the two parties that issuing the third and fourth certificate and the remote or end entity.

Perlman in col.6-11 and col.12, lines 1-14 as applied to the claims above disclose CA issuing a certificate; an entity or principal or a remote entity request a query with

respect to the certificate (first certificate); the query is being sent to a OLRS an agent that checks on the status of the certificate on the behalf of CA, col.12, lines 3-12 describes that OLRS and CA could be the same node or entity doing the different process; the OLRS or CA if is the same node as OLRS issues a certificate (second certificate) in response to principal and transmit it to the principal giving the result of the status of the first certificate. Therefore it would have been obvious to one of ordinary skilled in the art at the time invention was made that Perlman's certification status check could be a repeated process between the two entity CA and OLRS where upon receiving the second certificate CLRS on the request of principal request a re-issue certificate (third certificate) from CA as being thought in perlman (col.8-14 where OLRS may provide number of certificates to principal) and sending the re-issue certificate to principal by certifying the reissue certificate (fourth certificate). Therefore the question of third and fourth certificate is the question of more communications between the two entity seeking verifiable information by certifying the content of each communication between them; a repeated process that would have been obvious to one of ordinary skilled in the art with respect to Perlman's teaching.

10. **Claims 46-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al (6,230,266 B1) in view of Powar (6,285,991 B1).

**As per claims 46-55** Perlman in col.6-11 and col.12, lines 1-14 disclose CA issuing a certificate; an entity or principal or a remote entity request a query with respect to the

Art Unit: 2132

certificate (first certificate); the query is being sent to a OLRS an agent that checks on the status of the certificate on the behalf of CA, col.12, lines 3-12 describes that OLRS and CA could be the same node or entity doing the different process; the OLRS or CA if is the same node as OLRS issues a certificate (second certificate) in response to principal and transmit it to the principal giving the result of the status of the first certificate. Therefore it would have been obvious to one of ordinary skilled in the art at the time invention was made that Perlman's certification status check could be a repeated process between the two entity CA and OLRS where upon receiving the second certificate CLRS on the request of principal request a re-issue certificate (third certificate) from CA as being thought in perlman (col.8-14 where OLRS may provide number of certificates to principal) and sending the re-issue certificate to principal by certifying the reissue certificate (fourth certificate). Therefore the question of third and fourth certificate is the question of more communications between the two entity seeking verifiable information by certifying the content of each communication between them; a repeated process that would have been obvious to one of ordinary skilled in the art with respect to Perlman's teaching. However Perlman is silent with respect to the first certificate and second certificate contains offer for transaction sale and that third certificate is a proof that the third party purchased the transaction and that the a fourth certificate contains a receipt of the purchase. However Powar (6,285,991 B1) disclose secure interactive electronic account billing system where the certificate contents may include the transaction sales and the receipt of the transactions and billing related information (see abstract; fig.2,5,7a,8a and 10-11;

Art Unit: 2132

col.4, lines 38-67; col.5, lines 1-6). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Powar's interactive electronic account statement certification in Perlman's authentication and process of certifying content of certification and its validity in order to have a secure interactive financial transactions between the customers, merchants, financial institutions, CA's and OLRS (acting on behalf of CA to verify the status of issued certificate by CA).

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S.Patent No. US (6,163,772 A) teach virtual point of sale processing using gateway-initiated message.

U.S.Patent No. US (6,564,319 B1) teach technique for compressing digital certificates for use in smart cards.

U.S.Patent No. US (6,023,764 A) teach method and apparatus for providing security certificate management for JAVA applets.

U.S.Patent No. US (6,002,768 A) teach distributed registration and key distribution system and method.

U.S.Patent No. US (5,774,552 A) teach method and apparatus for retrieving X.509 certificates from an X.500 directory.

U.S. Patent No. US (5,717,758 A) teach witness-based certificate revocation system.

U.S. Patent No. US (5,497,422 A) teach message protection mechanism and graphical user interface therefor.

U.S. Patent No. US (4,885,777) teach electronic transaction system.

U.S. Patent No. US (6,044,462 A) teach method and apparatus for management key revocation.

U.S. Patent No. US (6,532,540 B1) teach apparatus and method for demonstrating and confirming the status of digital certificates and other data.

U.S. Patent No. US (6,615,347 B1) teach method and apparatus for managing key revocation.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

After-Final (703) 746-7238


Official (703) 872-9306


Application/Control Number: 09/448,854  
Art Unit: 2132

Page 15

Non-Official/Draft (703) 746-7240

Kambiz Zand

  
09/26/03

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100